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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 O.Z. MARTIN,

11 Plaintiff,

No. CIV S-04-2360 MCE CMK P

12 vs.

13 EDWARD ALMEIDA, et al.,

14 Defendants.

15 \_\_\_\_\_ / ORDER


16 On September 6, 2006, plaintiff filed "Plaintiff's Objections to Defendants [sic]  
17 Notice of Taking Deposition." (Doc. 35.) Plaintiff objects to defendants deposing him because  
18 he cannot afford an attorney to represent him and the court refuses to appoint counsel for him in  
19 this matter. Plaintiff appears to argue that, in light of his ongoing efforts to secure counsel and  
20 his inability to secure such, allowing him to be deposed would violate Federal Rule of Civil  
21 Procedure 32(a)(3)(E).

22 Plaintiff has no right to counsel in this civil rights action, and the court has no  
23 authority to require an attorney to represent him in a civil rights action. See Mallard v. United  
24 States Dist. Court, 490 U.S. 296, 298 (1989). Accordingly, plaintiff's objections to being  
25 deposed on the grounds that he is not represented by counsel are groundless.

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1 IT IS ORDERED THAT Plaintiff is ordered to submit to the September 22, 2006  
2 deposition, which has been duly and timely noticed.

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4 DATED: September 12, 2006.

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7 **CRAIG M. KELLISON**  
8 UNITED STATES MAGISTRATE JUDGE  
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